

304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

AUTHORITY: 20 U.S.C. 1462(h), unless otherwise noted.

SOURCE: 71 FR 32398, June 5, 2006, unless otherwise noted.

Subpart A—General

§ 304.1 Purpose.

Individuals who receive scholarship assistance from projects funded under the Special Education—Personnel Development to Improve Services and Results for Children with Disabilities program are required to complete a service obligation, or repay all or part of the costs of such assistance, in accordance with section 662(h) of the Act and the regulations of this part.

(Authority: 20 U.S.C. 1462(h))

§ 304.3 Definitions.

The following definitions apply to this program:

- (a) *Academic year* means—
 - (1) A full-time course of study—
 - (i) Taken for a period totaling at least nine months; or
 - (ii) Taken for the equivalent of at least two semesters, two trimesters, or three quarters; or
 - (2) For a part-time scholar, the accumulation of periods of part-time courses of study that is equivalent to an “academic year” under paragraph (a)(1) of this definition.
- (b) *Act* means the Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 *et seq.*
- (c) *Early intervention services* means early intervention services as defined in section 632(4) of the Act and includes early intervention services to infants and toddlers with disabilities, and as applicable, to infants and toddlers at risk for disabilities under sections 632(1) and 632(5)(b) of the Act.
- (d) *Full-time*, for purposes of determining whether an individual is employed full-time in accordance with § 304.30 means a full-time position as defined by the individual’s employer or by the agencies served by the individual.

(e) *Related services* means related services as defined in section 602(26) of the Act.

(f) *Repayment* means monetary reimbursement of scholarship assistance in lieu of completion of a service obligation.

(g) *Scholar* means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under section 662 of the Act.

(h) *Scholarship* means financial assistance to a scholar for training under the program and includes all disbursements or credits for tuition, fees, stipends, books, and travel in conjunction with training assignments.

(i) *Service obligation* means a scholar’s employment obligation, as described in section 662(h) of the Act and § 304.30.

(j) *Special education* means special education as defined in section 602(29) of the Act.

(Authority: 20 U.S.C. 1462(h))

Subpart B—Conditions That Must be Met by Grantee

§ 304.21 Allowable costs.

In addition to the allowable costs established in the Education Department General Administrative Regulations in 34 CFR 75.530 through 75.562, the following items are allowable expenditures by projects funded under the program:

- (a) Cost of attendance, as defined in Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 108711 (HEA), including the following:
 - (1) Tuition and fees.
 - (2) An allowance for books, supplies, transportation, and miscellaneous personal expenses.
 - (3) An allowance for room and board.
- (b) Stipends.
- (c) Travel in conjunction with training assignments.

(Authority: 20 U.S.C. 1462(h))

§ 304.22 Requirements for grantees in disbursing scholarships.

Before disbursement of scholarship assistance to an individual, a grantee must—

§ 304.23

34 CFR Ch. III (7–1–07 Edition)

- (a) Ensure that the scholar—
 - (1) Is a citizen or national of the United States;
 - (2) Is a permanent resident of—
 - (i) Puerto Rico, the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or
 - (ii) The Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau during the period in which these entities are eligible to receive an award under the Personnel Development to Improve Services and Results for Children with Disabilities program; or
 - (3) Provides evidence from the U.S. Department of Homeland Security that the individual is—
 - (i) A lawful permanent resident of the United States; or
 - (ii) In the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;
- (b) Limit the cost of attendance portion of the scholarship assistance (as discussed in §304.21(a)) to the amount by which the individual's cost of attendance at the institution exceeds the amount of grant assistance the scholar is to receive for the same academic year under title IV of the HEA; and
- (c) Obtain a Certification of Eligibility for Federal Assistance from each scholar, as prescribed in 34 CFR 75.60, 75.61, and 75.62.

(Authority: 20 U.S.C. 1462(h))

§ 304.23 Assurances that must be provided by grantee.

Before receiving an award, a grantee that intends to grant scholarships under the program must include in its application an assurance that the following requirements will be satisfied:

- (a) *Requirement for agreement.* Prior to granting a scholarship, the grantee will require each scholar to enter into a written agreement in which the scholar agrees to the terms and conditions set forth in §304.30. This agreement must explain the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to §304.31 and include the current Department address for purposes of the scholar's compliance with §304.30(i), or any other purpose under this part.

- (b) *Standards for satisfactory progress.* The grantee must establish, notify scholars of, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study.

(c) Exit certification.

- (1) At the time of exit from the program, the grantee must provide the following information to the scholar:

- (i) The number of years the scholar needs to work to satisfy the work requirements in §304.30(d);
- (ii) The total amount of scholarship assistance received subject to §304.30;
- (iii) The time period, consistent with §304.30(f)(1), during which the scholar must satisfy the work requirements; and

- (iv) As applicable, all other obligations of the scholar under §304.30.

- (2) Upon receipt of this information from the grantee, the scholar must provide written certification to the grantee that the information is correct.

- (d) *Information.* The grantee must forward the information and written certification required in paragraph (c) of this section to the Secretary, as well as any other information that is necessary to carry out the Secretary's functions under section 662 of the Act and this part.

- (e) *Notification to the Secretary.* If the grantee is aware that the scholar has chosen not to fulfill or will be unable to fulfill the obligation under §304.30(d), the grantee must notify the Secretary when the scholar exits the program.

(Approved by the Office of Management and Budget under control number 1820-0622)

(Authority: 20 U.S.C. 1462(h))

Subpart C—Conditions That Must Be Met by Scholar

§ 304.30 Requirements for scholar.

Individuals who receive scholarship assistance from grantees funded under section 662 of the Act must—

- (a) *Training.* Receive the training at the educational institution or agency designated in the scholarship;

- (b) *Educational allowances.* Not accept payment of educational allowances from any other entity if that allowance